

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

AT CHATTANOOGA

ILMAR SANTIZO-SANCHEZ, :

Petitioner, :

:

v.

: Criminal No. 1:10-cr-139

:

UNITED STATES OF AMERICA, :

Respondent. :

FILED

NOV 16 2020

Clerk, U. S. District Court
Eastern District of Tennessee
At Chattanooga

MOTION TO RECONSIDER THE COURT'S OCTOBER
22, 2020 ORDER UNDER ECF NO. 47

COMES NOW Ilmar Santizo-Sanchez (hereinafter "Petitioner"),
proceeding, sui juris, and hereby moves this Court to reconsider its
October 22, 2020 order (ECF No. 47) denying Petitioner's request
for compassionate release under 18 U.S.C. § 3582 (c)(1)(A)(i)
(ECF No. 48).

Thus, Petitioner seeks to have the Court reconsider its
earlier position for two reasons: (1) Post-October 22, 2020
alarming developments at the Petitioner's institution of con-

finement concerning COVID-19; and (2) the Court's unaddressed public safety factor assessment under 18 U.S.C. § 3553(a) is totally irrelevant because of the Petitioner's immediate deportation upon any release.

PLEADINGS

I.

In the Court's Order (ECF No. 47, p. 2, ¶ 1,) the Court stated "... Bureau of Prisons reports that Defendant's correctional facility currently has zero cases of confirmed COVID-19 infections among inmates and six confirmed cases among staff.

However, the Court's position here is undermined, because there is currently a massive out-break of COVID-19 amongst prisoners and staff alike at the Petitioner's institution of confinement. See, i.e., Attachment.

II.

The Court also reasoned that on the general statutory language of 18 U.S.C. § 3553(a) and without any particularity as to how why the Petitioner's argued position wasn't "extraordinary and compelling" under 18 U.S.C. § 3582(c)(1)(A)

(i).

However, the Petitioner's position is that most of the §3553(a) public safety factor jargon is irrelevant if, in fact, the Petitioner is to be deported to his home country of origin, and the Petitioner cited to case law in his pleading, wherefore, the Court's colleague discounted §3553(a)'s public safety factor assessment on the basis of the defendant's deportation. The Court here didn't assess this.

Furthermore, Petitioner posits that the continuation of

his incarceration does little in the promotion for respect for United States law in a foreign country thousands of miles away. In fact, Petitioner posits that his continued incarceration does nothing but promotes an ever-growing world-view of an American systemic racism problem especially within the United States criminal justice system, and an utter waste of resources and time.

Respectfully submitted this _____ day of November, 2020.

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Ilmar Santizo-Sanchez

Reg.# 40343-074

F.C.I., Yazoo

P.O. BOX 5000

Yazoo City, MS 39194

CERTIFICATE OF SERVICE

I, _____, certify that I caused a true and correct copy of this foregoing motion, to be served this _____ day of November, 2020, via First-Class U.S. Pre-paid Postage, on the Party listed below:

Office of the Clerk
U.S. District Court
Eastern District of Tennessee
900 Georgia Ave., Room 309
Chattanooga, TN 37402



U. S. Department of Justice


FEDERAL BUREAU OF PRISONS

Federal Correctional Complex
P. O. Box 5666
Yazoo City, Mississippi 39194

October 29, 2020

MEMORANDUM FOR STAFF ASSIGNED TO THE MEDIUM COMPONENT
FCC YAZOO CITY, MISSISSIPPI

THRU:


Walter Vereen, Warden (Medium)

FROM:


S. Callis, Deputy Captain

SUBJECT:

COVID-19 Protective Measures; Medium
Exposure Action Plan

This memorandum is to notify each staff member of the Action Plan regarding COVID-19 exposure at the Medium component. To ensure your safety, we will continue to properly clean the affected employee's work area in accordance with recommendations by the relevant guidance from authorities such as the Centers for Disease Control and Prevention (CDC) and COVID-19 Response and Mitigation Guidance.

On October 28, 2020 the Medium component was confirmed with positive COVID-19 results for staff and inmates. Protective measures, specifically, Exposure Action Plan was activated and will be implemented until further notice with the assistance of FCC Yazoo City, Health Services Department.

The inmate population will receive directions and information regarding programming, schedules, restrictions and protocols by way of: Town Halls, TRULINCS, Unit Team, Executive Staff, and Correctional Services.

Staff will be communicated by conference calls (333's), on every shift and in person. Staff will receive direction and guidance from all departments' action plans within this memorandum.

Thank you for your patience, flexibility, and understanding as we work together to promote the health and well-being of our component. Please take care of yourselves and each other.

~~Effective immediately, the following actions are being taken by the FCC Yazoo City Medium Component in order to prevent or reduce the spread of COVID-19.~~

SCREENING OF INMATES:

- Asymptomatic inmates with exposure risk factors are being quarantined in assigned cells pending commercial lab results.
- Symptomatic inmates with exposure risk factors are being isolated in D-3 Unit and tested for COVID-19 per health authority protocols.
- October 28, 2020 is the initial date for general population inmates testing positive for COVID-19 at the Medium Component.

INMATE MOVEMENT:

- Inmate movement between facilities is suspended. All suspensions will continue to be evaluated.
- There will be exceptions for movement in special cases such as WRITS on pending charges, Interstate Agreements on Detainers (IAD), Medical or Mental Health reasons and RRC placements.
- Outside Recreation and "Grab and Go" mainline are suspended.

SOCIAL VISITS:

- Social visits are suspended.

LEGAL VISITS:

- Case by case approval at the local level and confidential legal calls will be allowed in order to ensure access to counsel. Inmate requests must be submitted to Unit Team.

MODIFIED OPERATIONS: For the next 21 days, the facility will operate on a modified basis to limit group contact. This action is necessary to limit the transmission of the disease if anyone becomes infected. All suspensions will be reevaluated in 20 days.

EXPOSURE ACTION PLAN PER DEPARTMENT

Correctional Services / Housing Units:

- Inmates will program in the housing units.
- Inmates will not be moved or escorted in groups outside the housing unit without approval by the Captain.
- D-3 (Isolation Unit)
 - Inmates will shower one at a time (no additional inmates will be out). 30 MINUTES WILL BE THEIR TIME LIMIT.
- D-4 (Quarantine Unit)
 - Food Service inmates (top tier) celled together, will be able to come out at the same time to shower, email, and use the phone. 30 MINUTES WILL BE THEIR TIME LIMIT.
 - Non-Food Service inmates (bottom tier), will be released one cell at time to shower, email and use phone. 30 MINUTES WILL BE THEIR TIME LIMIT.
- E-2, E-4, F-2 and F-3 are currently on quarantine due to positive test results; these units will shower every 30 minutes as well. Once the Clinical Director clears the units they will proceed with one hour for showers.
- All other housing units will begin showering at 6:00 a.m.; each day the cell rotation will remain the same and not rotate (this is for tracking purposes in the event an inmate tests positive).
 - Cells 1 thru 5, Cells 6-10, Cells 11-15, Cells 16-20 and so forth.
- Inmates caught going from door to door in the housing unit instead of utilizing their time for showers, computer, or phone will forfeit their hour and return back to their cell.
- Inmates with their windows covered will not be allowed to exit their cell.
- Quarantine and Isolation Units will post a "sign in" log book in the unit's Sallyport. Staff must sign in and out for tracing/tracking purposes.
- Full protocol is mandated for PPE gear: Face shield, N-95 mask, gown and gloves.
- Each Quarantine and Isolation Unit will have a donning and doffing area to utilize PPE and properly remove/discard PPE.

Laundry and Commissary

- Trust Fund will ensure the collection and laundering of inmate clothing during the modified movement schedule.
- Unit Managers will need to identify one inmate orderly in each unit to sort and distribute the laundry loops to the inmates. Units with exposure will be the responsibility of laundry personnel.
- All Commissary services will be provided by Trust Fund and non-departmental staff designated to assist with the operations. Commissary staff will retrieve all commissary slips from the housing units that are designated to shop for that particular week. All inmates will be given a \$25.00 spending limit with a weekly revalidation.

Food Service

- Food Service will continue prepare/serve the National Menu utilizing an inmate work crew from one housing unit (Foxtrot 1). Food Service will continue to deliver all three meals to the housing units. D-2 Inmate Food Service workers will resume working in Food Service once cleared by the Clinical Director.
- Neither food service staff nor inmates will at any time enter any of the housing units they are delivering to. The meals will be delivered in an ambient cart to the outside of the housing unit.
- The housing unit officer will be contacted in a timely manner to retrieve the carts and deliver meals to each inmate in the housing unit. All meals should be issued within two hours of being delivered.

Medical / Health Services

- Inmate screening/assessments will be conducted daily for following units:

Delta 3 Daily assessment
Delta 4 Temperature check

Echo 2 Temperature check
Echo 4 Temperature check

Foxtrot 2 Temperature check
Foxtrot 3 Temperature check

- Any inmate requesting a sick call evaluation will submit the request on the Inmate to Staff Request form (BP-A0148).
- Sick call will be picked up on the following designated days for each unit (See below). If you have a medical emergency and it is not a scheduled sick call pick up day for your unit, please report your issue to the nearest staff member. Health Services will be contacted and a determination will be made if you require immediate treatment:

Monday - Delta 1 and Delta 2

Tuesday - Echo 1 and Echo 2

Wednesday - Echo 3 and Echo 4

Thursday - Foxtrot 1 and Foxtrot 2

Friday - Foxtrot 3 and Foxtrot 4

UNICOR FACTORY

- UNICOR Staff will escort inmates from the UNICOR Housing Unit directly to the factory each day.
- UNICOR staff will take each inmates temperature to ensure they are cleared for work.
- Social distancing will be mandatory at all times.
- UNICOR Staff will escort all inmates back to the housing units at the end of each working day.
- Inmates will eat breakfast in UNICOR if breakfast is not complete in the housing unit. UNICOR Staff will deliver inmate lunches to the factory.

Education and Recreation

- All in person education classes will be temporarily discontinued. GED and ESL student will be provided work in the form of educational packets delivered to the unit.
- The Recreation department will offer game and puzzle packets to the entire inmate population weekly. No credit will be given for completing the packets.

Psychology Services

- Psychology staff will make rounds in the housing units, as needed, to address any concerns and/or pass out materials upon inmate's request.

Religious Services

- Religious programming will be conducted in all housing units in the form of successive rounds, literature presentation and individual accommodation.

Legal Mail

- The ISM/Records department will ensure legal mail is conducted beginning at 8:30 am each morning. The staff will announce legal mail fifteen minutes prior to entering the housing units via radio to ensure the housing unit officers are aware of their arrival. The legal mail will be picked up and dropped off daily to the inmate population.

Facilities

- Facilities will only use inmates assigned to their unit that work in the Facilities Department to repair, replace or install any equipment in that unit.
- Any repairs needed on the compound and not inside the units will be repaired by Facilities staff. If inmates are needed, the Delta-1 Unit Facilities inmates will be used.
- Any repairs, replacement, or instillation of equipment that is needed in a Unit that does not already house Facilities inmates, the work will be done by the Facilities Department.

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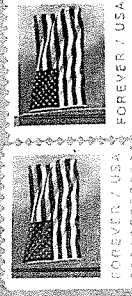
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Elmar Santizo Sanchez
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